

Mr Bryan offered a "bill to establish two universities," as a substitute for the bill.

Mr Scott offered a bill appropriating \$1,000,000 of the five per cent, United States bonds, as an additional fund for common schools, as a substitute for the bill and substitute.

On motion of Mr Potter, the Senate adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

Senate met—roll called—no quorum.

On motion of Mr Potter, the Senate adjourned until 9 o'clock to-morrow morning.

TUESDAY, Dec. 11th, 1855.

The President called the Senate to order, pursuant to adjournment—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr White presented the petition of Jas. Cummin, and the petition of Donna Ipez Rene, et. al.—each referred to the committee on Private Land Claims.

Mr Hill presented the petition of Francis Blundell—referred to the committee on Private Land Claims.

Mr Superviele presented the petition of Juan, and Juan Mannel Solo, and of Jose de Jesus Rodriguez; each referred to the committee on the Judiciary; and the petition of sundry citizens of Bexar county—referred to the committee on counties and county boundaries.

Mr Truit presented the petition of W. D. Corden, of H. N. Askins, of Joseph Moore, and of Thomas Patterson—referred to the committee on Private Land Claims.

Mr Palmer, from the committee on Public Lands, made the following report:

"The committee on Public Lands, to which was referred the 'bill to amend the act of limitation, have had the same under consideration, and instruct me to report a substitute for the same, and recommend its passage. The only change made in the Statute is to permit the actual occupant of the soil to plead the Statute of limitations against the State and against married women, both of which changes it is believed by the committee will tend greatly to quiet the titles of property in the country."

On motion of Mr Caldwell the rule was suspended, and the report made the special order for Thursday next, 13th inst.

Mr White, from the committee on the Judiciary, to which was referred a "bill to quiet land titles, reported the same back and recommended its passage.

Mr Scott, chairman of the committee on Public Lands, made the following report.

"The committee on Public Lands, to which was referred the petition of Charles Baldwin, assignee of G. B. Brownrigg, have considered the same, and from the facts presented, your committee are of the opinion that G. B. Brownrigg, the original grantee was entitled to one league and labor of land, as an emigrant of the first class, to the late Republic of Texas, and upon investigation your committee find that there has been issued and patented to said Brownrigg one labor of land, and that one league of land was granted to him, on the 23d day of November, 1835, by Chas. S. Taylor, a commissioner authorized by the Mexican authorities to grant deeds, &c. And the committee also find that grants, made after the 13th day of Nov., 1835, were declared null and void, by the 10th section of the general provisions of the Constitution of the late Republic of Texas, and that it is declared in the 20th section of the 7th article of the State Constitution that no grant, declared null and void by the Constitution of the Republic of Texas, shall be reinvested or reinstated, &c. On account of the constitutional provision declaring this grant void, the committee are of the opinion that we cannot reinstate, revive or confirm, or in any other manner make good the said grant, but the committee are of opinion from the facts of the case, that the parties are entitled to relief, and therefore, the committee recommend that the Commissioner of the General Land Office be required to issue to the said parties a certificate for a like amount of land, at any time that said parties may return said grant, and cancel the same or any part thereof, and in view of said recommendation the accompanying bill is respectfully reported for the favorable consideration of the Senate."

A bill for the relief of G. B. Brownrigg, his heirs and assigns"—read first time.

Mr Grimes, chairman of the committee on Finance, to which was referred a "bill making appropriations to pay the expenses of volunteers called into the service of the State, for the protection of the frontier, and for other volunteer services," reported the same back, and recommended its passage.

Mr Grimes, chairman of the same committee, made the following report:

"The committee on Finance, to which was referred the petition of the citizens of Comal county, praying to be allowed to retain the State tax of their county for the term of four years, for the purpose of building a Court House.

The 27th section of the general provisions of the Constitu-

tion, declares that "taxation shall be equal and uniform, throughout the State; all property shall be taxed in proportion to its value." That is, that every individual or political division of the State, shall contribute equally towards the support of the State Government, according to the value of their property. Now to grant the prayer of the petitioners, would, in the opinion of your committee, be giving exclusive privileges to a certain county or portion of the State, which would be contrary to the provisions of the Constitution, and would likewise, be unjust and improper legislation.

Your committee can readily conceive the necessity, or rather utility of a good and sufficient Court House, and would recommend to the citizens to follow the example offered them by several other counties, and assess a special tax on their county for that purpose, for which purpose they submit the accompanying bill."

A bill to authorize the County Court of Comal county, to levy a special tax for the purpose of building a Court House—read first time.

Mr Bryan, chairman of the committee on Education, to which was referred a bill to incorporate Margaret Houston College, reported the same back, and recommended its passage.

Mr Taylor of Cass, chairman of the committee on Public Debt, made the following report:

The committee on Public Debt, to which was referred the petition of Randall Jones, have had the same under consideration. It appears from the facts adduced, that the petitioner furnished a large amount of beef to the Texas army in 1837, under contract with the commander General Houston, for which he received in pay a large amount of promissory notes of the Republic of Texas, at their face value, upon which he alleges that he lost seventy-five cents on the dollar; to make up this deficiency he now asks \$4650. The committee are not apprized of the value of the promissory notes at the time the party received them; for aught we know they may have been worth their face value, and their depreciation may have taken place after they had passed from this party.

To grant relief in this and like cases, would, in the opinion of your committee, be unwise legislation, the result of which would lead to a readjustment of most of the indebtedness of the late Republic of Texas, our laws for the adjustment of which we think should be final. I am, therefore, instructed by the committee to report adversely to the petition."

Mr Millican offered the following resolution:

"*Resolved*, that a select committee be raised for the purpose

of inquiring into and prescribing the duties of the various officers employed by the Senate for the present session, and that the same report accordingly—adopted.

Messrs. Millican, Bryan and Taylor of Cass, were appointed the committee.

Mr Flanagan introduced a joint resolution, authorizing a vote of the people to be taken on the act of Congress, concerning the Public Debt of the late Republic—read first time.

Mr White introduced a bill to prevent fraud at elections, and a bill to incorporate the Indianola and Victoria Railroad company—each read first time.

Mr Flanagan introduced a bill to incorporate Shawnee Lodge, No. 15, I. O. of O. F.—read first time.

Mr Martin introduced a bill for the relief of the people of Navarro county—read first time.

On motion of Mr Martin, the rule was suspended—bill read second time, and referred to the committee on the Judiciary.

Mr Pirkey introduced a bill to validate a survey and patent upon the headright certificate of John R. Rogers—read first time.

Mr Doane introduced a bill, supplemental to an act for the relief of James W. Magoffin, and Hugh Stephenson, approved the 21st of January 1854—read first time.

On motion of Mr Doane, the rule was suspended—bill read second time, and referred to the committee on Private Land Claims.

On motion of Mr Taylor of Fannin, Mr Armstrong was excused from attendance on the Senate, on account of sickness.

ORDERS OF THE DAY.

The bill creating a fund for the erection and support of two State Universities, together with the substitutes therefor, offered by Messrs. Bryan and Scott, being under consideration on yesterday when the Senate adjourned, was taken up.

On motion of Mr Taylor of Cass, the bill and proposed substitutes, were referred to the committee on Education.

The majority report of the committee on Internal Improvements, on a bill to amend an act to provide for the construction of the Mississippi and Pacific Railroad, recommending the passage of the same, together with a minority report of the same committee, was read.

On motion of Mr Martin, the bill and report were laid on the table,

Report of the committee on Education, on a bill to provide for the investment of the special school fund in the bonds of Railroad companies incorporated by the State, offering a substitute therefor, was read.

On motion of Mr Grimes, the report and bill were made the special order for Monday next, 17th inst.

A bill to amend the 21st section of an act, entitled *An act to organize county courts*, approved 16th March, 1848—read third time.

Mr McCulloch offered the following amendment:

"Provided that the commissioners and chief justices shall be allowed \$3 00 per day, for the special term, at which they examined the books of the "assessor and collector."

Mr Flanagan moved to amend the amendment, by adding "*and all other special terms.*"

On motion of Mr Potter, the amendment to the amendment was laid on the table.

On motion of Mr Hill, the amendment offered by Mr McCulloch, was laid on the table.

The bill was then passed.

A bill to incorporate Larissa College, read third time, and passed by the following vote:

YEAS—Messrs. Allen, Bryan, Burroughs, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford and White, 26. NAYS—none.

A bill to provide for the investigation of land titles in certain cases, read third time, and passed by the following vote:

YEAS—Messrs. Doane, Flanagan, Grimes, Guin, Lott, Martin, Millican, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Houston, Truit, Weatherford, White and Wren, 16.

NAYS—Messrs. Bryan, Caldwell, Hill, McCulloch, Maverick, Palmer, Potter, Scarborough, Superviele, Taylor of Fannin, and Whitaker, 11.

A bill fixing the salary of the Governor of the State, read third time, and passed by the following vote:

YEAS—Messrs. Allen, Bryan, Caldwell, Doane, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, Maverick, Palmer, Pirkey, Potter, Scarborough, Superviele, Taylor of Cass, Taylor of Houston, Whitaker and White, 20.

NAYS—Messrs. Burroughs, Martin, Millican, Russell, Scott, Taylor of Fannin, Truit, Weatherford and Wren, 9.

The following bills were severally read third time and passed.

"A bill to incorporate the city of Marshall."

"A bill relating to the duties of assessors and collectors of Taxes.

"A bill for the relief of the heirs of William Wingate."

"A bill to repeal an act to provide for the issuance of bounty and donation land warrants, to persons entitled to the same."

"A bill to quiet land titles," and

"A bill for the relief of the heirs of John P. Rohers."

"A bill to define more particularly the Western and Northern boundary line of Milam Land District—read third time, and on motion of Mr Russell, laid on the table.

On motion of Mr Guinn, the vote on the passage of the bill for the relief of John P. Rohers was reconsidered, and

On motion of Mr Truit, the bill was laid on the table.

Mr Allen, chairman of the committee on enrolled bills reported

"A bill for the relief of A. W. O. Hicks."

"A bill legalizing the creation of Van Zandt county."

"A bill to make valid surveys made by the county surveyor of Van Zandt county," and

"A bill to create the county of Parker," correctly enrolled, properly signed, and have been this day presented to the Governor for his approval.

The report of the committee on the Judiciary, on a bill to authorize the District Courts of the State, to hear and determine claims and accounts against the State, recommend that the same be laid on the table, was read.

Mr White by leave, made the following minority report:

COMMITTEE ROOM, }
November 30th, 1855. }

To the Honorable, the President of the Senate.

A minority of the committee, to whom was referred a bill authorizing the District Courts, to hear and determine certain claims against the State of Texas have disagreed with the majority of that committee in some features of this report.

The minority, however, agrees that the bill as drafted would be objectionable, on the grounds that it would open the door to fraudulent claims for spoliation by the enemy while occupying a portion of our territory.

The bill is also too unguarded in its provisions, to protect the State from an indiscriminate allowance for losses caused by the negligence or fault of owners without any regard to the good of the army or the success of the war.

But this minority are of opinion that there are cases within the scope of this bill that should be relieved, and that the bill provides a proper mode for their adjustment. We particularly allude to the settlers West of the Colorado, and East of the Guadalupe river, and perhaps the whole of DeWitt's colony. This portion of the country was peculiarly situated and

liable to great hardship. It was the portion of the country selected by the army for the line of defence ; it was the place for the encampment of the Texas army, and the rendezvous of the volunteers ; it was the only part of Texas where every article of private property suitable for subsistence of the army was called into requisition; and it is known to some of the committee that the great want of the supplies of subsistence frequently caused struggles between the soldiers and citizens for the last bushel of corn, or last cow belonging to the settlements. It is a well known fact that there was not a cow, hog, or a bushel of corn left to the citizens in the vicinity of the army, and that the army was sustained by the property of the citizens till it was all consumed.

Up to this time the Legislature has refused to provide for these claims, while at the same time it has lent a charitable ear to many claims of great amount which, in our opinion, have no higher claims on the justice of the State, or of its kind consideration. We are also informed that the actual citizens in this district of country were few and poor, and that the amount of claims would not be great, while at the same time it would be rendering only shere justice to those entitled to its benefits and would divide the burthen of that dreadful day with thousands that are now enjoying the fruit of the sacrifice and peril of the early pioneers.

Another reason for disagreeing with the majority of the committee is, that that bill contemplates the auditing the claims for lands due under the laws of the country for services rendered to the Republic of Texas; with these claims the Legislature is now flooded insomuch that the business which is properly the subject of Legislation is excluded by the Legislature undertaking to adjudicate rights which should properly belong to the Judiciary. The act limiting the jurisdiction of courts to which these claims were properly referred, is the cause of this crowd of claims which is now presented.

That the District Court is the proper tribunal to which these claims should be referred, we have no doubt, for the reason that it would be cheap and convenient ; each claimant could, without the expense of travel, in his own county, where his witnesses live, and before a jury of twelve men, acquainted with his character, present his claim, and if just, with the hope of success; and if not, he would scarcely face his neighbors with a fraud ; or if he would, much more so would he come from home amongst strangers who are too often guided by the softness of talk.

We, therefore, recommend that the report of the majority be

rejected, and the bill recommitted to the committee of the judiciary with instructions to report a general bill for the purpose of auditing land claims, and a bill specially providing for claims of those who lived West of the Colorado river and East of the Guadalupe river, and the whole of DeWitt's colony.

S. A. WHITE, one of the committee.

On motion of Mr Taylor of Cass, the bill and reports were indefinitely postponed.

A bill regulating the time of holding the courts in the sixth judicial district, read and on motion of Mr White, laid on the table.

The report of the committee on the Judiciary, on a bill to legalize certain surveys lying between the counties of Bastrop and Burleson; offering a bill to legalize certain surveys lying between the waters of the Colorado and Brazos rivers, as a substitute therefor, was read, substitute adopted, and bill ordered to be engrossed.

A bill to change the time of holding courts in the tenth judicial district, read and on motion of Mr Guinn, laid on the table.

On motion of Mr Martin, a bill for the relief of the heirs of B. Y. Gillen, was taken up, read second time, and referred to the committee on Public Lands.

On motion of Mr Palmer, it was ordered that all bills on their second reading, be taken up and acted on.

House bill to change the name of Susan P. Cannon, to Susan P. Cook—read second time, and on motion of Mr Guinn, referred to the committee on the Judiciary.

House bill for the relief of E. M. Thomason—read second time, and on motion of Mr Guinn, referred to the committee on Private Land Claims.

House bill to incorporate Walker Lodge, No. 19, I. O. of O. F.—read second time, and on motion of Mr Palmer, referred to the committee on State Affairs.

House bill making an appropriation for the per diem pay and mileage, of the members of the sixth Legislature, and the per diem pay of the officers of the same—read second time, and on motion of Mr Taylor of Cass, referred to the committee on Finance.

House bill to provide a permanent and safe building for the use of the State department, the Executive and Attorney General of the State of Texas—read second time and on motion of Mr Taylor of Cass, referred to the committee on Public Buildings.

House bill to provide for the better security of the archives

of the State department—read second time, and on motion of Mr Scott, referred to the committee on State Affairs.

House bill for the relief of O. M. Goolsby—read second time, on motion of Mr Taylor of Cass; referred to the committee on Private Land Claims.

House bill for the relief of R. A. Powdrell; read second time, and on motion of Mr Scott, referred to the committee on Private Land Claims.

House bill to incorporate Jno. M. Gibson Lodge, No. 13, I. O. of O. F.; read second time, and on motion of Mr Taylor of Fannin, referred to the committee on State Affairs.

Joint resolution relative to the votes of Senators Rusk and Houston, on the Kansas Nebraska bill; read second time, and on motion of Mr Taylor of Cass, referred to the committee on State Affairs.

House bill for the relief of Kindalis Bryan; read second time, and on motion of Mr Potter, referred to the committee on Claims and Accounts.

A bill for the relief of the heirs of John McCormick; read second time, and on motion of Mr Palmer, referred to the committee on Private Land Claims.

A bill to incorporate Brazoria county Insurance Company; read second time, and on motion of Mr Bryan, referred to the committee on the Judiciary.

A bill to legitimate Donaciana Howland, daughter of S. W. Howland, dec'd.; read second time, and on motion of Mr Guinn, referred to the committee on the Judiciary.

A bill requiring Chief Justices of county courts, to give bond for the faithful performance of their official duties; read second time, and on motion of Mr Taylor of Cass, referred to the Judiciary committee.

A bill to incorporate Ida Lodge, No. 14, I. O. of O. F.; read second time, and on motion of Mr Taylor of Cass, referred to the committee on State Affairs.

A bill to amend an act to incorporate Chapel Hill College; read second time, and on motion of Mr Taylor of Cass, referred to the committee on Education.

A bill to repeal an act regulating estrays; read second time, and on motion of Mr Taylor of Cass, referred to the committee on State Affairs.

A bill to amend the 4th section of an act, regulating and restraining the sale of spirituous liquors, approved February 11th, 1854; read second time, and on motion of Mr Scott, referred to the committee on the Judiciary.

A bill for the relief of the heirs of T. M. Mayher; read sec.

ond time, and on motion of Mr Hill, referred to the committee on Claims and Accounts.

A bill to create the county of Caddo; read second time, and on motion of Mr Allen, referred to the committee on Counties and County Boundaries.

A bill for the relief of Simeon T. Hart; read second time, and on motion of Mr Weatherford, referred to the committee on Private Land Claims.

Joint resolution proposing an amendment to the Constitution of the State; read second time, and referred to the committee on the Judiciary, on motion of Mr. Palmer.

A bill to provide for the transfer of certain books, papers, archives, and records, from the Adjutant General's offices to the General Land office; read second time, and on motion of Mr Potter, referred to the committee on Public Lands.

A bill to regulate the sale of spirituous liquors in the several counties of the State; read second time, and on motion of Mr White, referred to the committee on State Affairs.

A bill authorizing the use of the Spanish language, before Justice's courts in certain cases, in the counties West of the Guadaloupe river; read second time, and on motion of Mr Superviele, referred to the committee on the Judiciary.

A bill for the relief of S. F. Sparks; read second time, and on motion of Mr Whitaker, referred to the committee on Private Land Claims.

A bill for the relief of the assignee of David Spears; read second time, and on motion of Mr Taylor of Houston, referred to the committee on Private Land Claims.

A bill to amend the 1st section of an act to provide for the appointment of Patrols, and to prescribe their duties and powers; read second time, and on motion of Mr Scott, referred to the committee on the Judiciary.

Joint resolution proposing an amendment to the Constitution; read second time, and on motion of Mr Guinn, referred to the committee on the Judiciary.

A bill to create the county of Atascosa; read second time, and on motion of Mr Superviele, referred to the committee on Counties and County Boundaries.

A bill for the relief of James M. Day; read second time, and on motion of Mr McCulloch, referred to the committee on Finance.

A bill for the relief of Simon Cockrell and others; read second time, and on motion of Mr McCulloch, referred to the committee on Private Land Claims.

A bill for the relief of Henry Stout; read second time, and

on motion of Mr Russell, referred to the committee on Public Lands.

A bill for the relief of Mercer Fane, senior, and William M. Hewitt; read second time, and on motion of Mr Trait referred, to the committee on Claims and Accounts.

A bill for the relief of Hezekiah George; read second time and on motion of Mr Flanagan, referred to the committee on Private Land Claims.

A bill to abolish the office of Justice of the Peace, in the corporate limits of the city of Brownsville, and to invest the Mayor of said city with the powers of Justice of the Peace; read second time, and on motion of Mr Scarborough, referred to the committee on the Judiciary.

Joint resolution concerning the Public Debt read second time, and on motion of Mr Hill, referred to the committee on Public Debt.

A bill for the relief of Wm. Rawlins; read second time, and on motion of Mr Weatherford, referred to the committee on Public Lands.

A bill for the relief of John McCoy; read second time, and on motion of Mr Guinn, referred to the committee on Private Land Claims.

A bill to change the time of holding the courts in the 13th Judicial District; read second time, and on motion of Mr Millican, referred to the committee on the Judiciary.

A bill for the relief of John Sparks; read second time, and on motion of Mr Whitaker, referred to the committee on Private Land Claims.

A bill to require the return of unconditional headright certificates in certain cases; read second time, and on motion of Mr Taylor of Cass, referred to the committee on Public Lands.

A bill to amend an act entitled an act to incorporate the Memphis, El Paso and Pacific Railroad company; read second time, and on motion of Mr Allen, referred to the committee on Internal Improvements.

A bill for the purchase of a site, and erection of a Store and Warehouse, and for other purposes; read second time, and on motion of Mr Weatherford, referred to the committee on the Penitentiary.

A bill to admit to record authentic copies of certain instruments; read second time, and on motion of Mr. Taylor of Cass, referred to the committee on the Judiciary.

Mr Hill (by leave) introduced a bill to define the 1st Judicial District, and to fix the time of holding the district courts therein; read first time.

On motion of Mr Hill, the rule was suspended, bill read second time, and referred to the committee on the Judiciary.

Mr Taylor of Fannin, introduced (by leave) a bill for the relief of Thos. Ragsdale, et. al.; read first time.

On motion of Mr Taylor of Fannin, the rule was suspended; bill read second time, and referred to the committee on Finance, on motion of Mr Potter.

A bill authorizing the Comptroller to issue certain lost certificates of stock on certain conditions was taken up; read and ordered to be engrossed.

On motion of Mr Potter, the rule was suspended; bill read third time and passed.

On motion of Mr Taylor of Cass, the Senate adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

Senate met—roll called—quorum present.

The first reading of the bill to prescribe a code of civil procedure for the State of Texas was resumed.

On motion of Mr Potter, the Senate adjourned till to-morrow morning, 9 o'clock,

WEDNESDAY, Dec. 12th, 1855.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Doane presented the petition of Joel L. Ankrum, referred to the committee on the Judiciary.

Mr Burroughs presented the petition of sundry citizens of the county of Newton, referred to the committee on Internal Improvements.

Mr Millican presented the petition of sundry members of the bar in the 13th Judicial District—referred to the committee on Judicial Districts.

Mr Maverick presented the petition of H. L. Upshur, referred to the committee on the Judiciary, and the petition of "B. W. Gillock"—referred to the committee on claims and accounts.

Mr Russell from the committee on engrossed bills reported "A bill to legalize certain surveys, lying between the waters of the Brazos and Colorado Rivers," and

"A bill to authorize the Comptroller to issue certain lost certificates of Stock on certain conditions"—correctly engrossed.

Mr Scott, chairman of the committee on Public Lands, to which was referred "A Bill to provide for the transfer of certain books, papers, archives and records from the adjutant General's office, to the General Land Office," reported the same back and recommended its passage.